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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,082	08/29/2006	Guenter Ries	2005P00316WOUS	7846

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EXAMINER	
BARRERA, RAMON M	
ART UNIT	**PAPER NUMBER**
2832	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/591,082	RIES, GUENTER	
	Examiner	Art Unit	
	RAMON M. BARRERA	2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 April 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *12-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *12-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 12-14, 21, 22, and 24-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Togashi Hitoo(JP2000-253640), et al., cited on applicant's IDS.

Hitoo in fig. 2 disclosed a linear drive device comprising an excitation winding 14 producing a variable magnetic field and including an associated magnetic-flux-carrying yoke body 12 having pole surfaces; and an armature body 22 including a magnet carrier having at least two permanent magnet parts (24,26) and an axial oscillation movement being transferable to the at least two permanent magnet parts by the variable magnetic field of the excitation winding, the magnet carrier including an electrically insulating material (28,30) and at least partially extending into the magnetic field area defined by the pole surfaces of the yoke body and the excitation winding; wherein the magnet carrier includes a metal material 16 (fig. 6) and the parts 28 of the magnet carrier which extend into the magnetic field area of the yoke body and the excitation winding are constructed of an insulating material.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 15-20 and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Togashi Hitoo, cited above, in view of Nikano Yasumasa(JP01-190979).

Hitoo disclosed the claimed invention except for wherein each magnet part with respect to the associated yoke body and the excitation winding is covered by a magnetic cover made of a ferromagnetic layer, a spacing joint axially spacing apart the magnetic covers; or wherein each magnet cover covers a larger area than the respectively associated magnet part; or wherein the ferromagnetic magnet covers are spaced apart from one another by a distance a > 2 s, where s is the distance of the magnet covers from the respective pole surface of the associated yoke body; or wherein the magnet covers include an Fe-Si alloy; or wherein the magnet covers each have a thickness between 0.35 and 1 mm.

Yasumasa disclosed wherein each magnet part with respect to the associated yoke body and the excitation winding is covered by a magnetic cover made of a ferromagnetic layer for the purpose of inhibiting a decrease of power when cold started. Since Hitoo and Yasumasa are both from the same field of endeavor, the purpose disclosed by Yasumasa would have been recognized in the pertinent art of Hitoo. It

would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ magnetic covers in Hitoo for the purpose of inhibiting a decrease of power when cold started. With regards to the spacing joint Hitoo already teaches spacing joint 28 for the purpose of preventing eddy currents. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ ferromagnetic covers of Fe-Si, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ ferromagnetic covers having the claimed thickness, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

5. Claims 23 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Togashi Hitoo, cited above, in view of McGill, et al.(US2003/017384), newly cited.

Hitoo disclosed the claimed invention except for wherein the armature body is rigidly connected to a pump plunger of a compressor. McGill, et al., disclosed a similar actuator having an armature body connected to a pump plunger 11 of a compressor. Therefore, because these two actuators were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to connect a pump plunger of a compressor to Hitoo's armature.

Response to Arguments

6. Applicant's arguments filed 11/17/08 have been fully considered but they are not persuasive. Applicant asserts that while it appears that the insulating thin plates 28 may insulate each magnet of each respective pair of divided magnets from one another, it is not seen that Togashi Hitoo et al JP2000-253640 discloses or suggests, as recited in claim 12 of the present application as currently amended, an armature for a linear drive motor having an electrically insulating material wherein the electrically insulating material and its disposition to partially extend into the magnetic field area defined by the pole surfaces of the yoke body and the excitation winding operates to substantially avoid an induction of eddy currents adjacent the pole surfaces of the yoke body. In response, Hitoo states in his abstract that the insulating thin plates 28 reduce eddy current losses in the movable magnet body. Because it is the alternating magnetic field generated by the coil and yoke body which creates the eddy currents in the armature, the claimed "electrically insulating material …operating to substantially avoid an induction of eddy currents adjacent the pole surfaces of the yoke body" is deemed readable on Hitoo.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMON M. BARRERA whose telephone number is (571)272-1987. The examiner can normally be reached on Monday through Friday from 11 to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin G. Enad can be reached on (571) 272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ramon M Barrera/
Primary Examiner, Art Unit 2832

rmb